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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,500	11/28/2000	Michael Stumm	2664.16	5562

27160 7590 05/20/2003

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EXAMINER

NGUYEN, QUYNH H

ART UNIT PAPER NUMBER

2642

DATE MAILED: 05/20/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/722,500

Applicant(s)

STUMM ET AL

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 11, 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

*Claim Rejections - 35 USC § 112*

1. Claim 1 recites the limitation "one of said terminal agents" in lines 5 and 9. There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/41406.

Regarding claim 1, Willehadson teaches the steps of: a network for carrying communications between subscribers (Abstract, line 1 and Fig. 4, Agent-A 400 and Agent-B 410); at least one terminal agent (Agent-A 400) executing on the network that interfaces the network with a terminal (Telephone 425, Fax 430, Terminal 435); at least one subscriber agent (Agent-B) executing on the network that belongs to one of the subscribers (communication networks N1-N3), the subscriber agent having a terminal identifier for pointing the subscriber agent to one of the terminal agents such as: Telephone 440, Fax 445, Terminal 450, Mobile 455, and Pager 460, such that one of the subscribers can establish a communication over the network from a terminal respective to the one of the terminal agents (Fig. 5, and page 10, lines 1-15).

4. Claims 32, 33, 36, 39, 41, 42, 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Brennan (U.S. Patent 5,329,578).

Regarding claim 32, Brennan teaches the steps of: receiving a request to establish the call with the subscriber (Fig. 1, caller 14 dials the Personal Number (PN) of a Personal Communication System (PCS) subscriber 15); obtaining a profile of the subscriber (col. 4, lines 28-35); the subscriber's schedule Table 3.0 list the default devices to use in contacting the subscriber during different time of the day and different day of the week reads on claimed "selecting a terminal appropriate to the call according to criteria stored in the profile and connecting the call to the terminal".

Regarding claim 36, Brennan teaches the profile is a subscriber agent (Fig. 1, 110).

Regarding claims 39, 41, 42, and 44, Brennan teaches the terminal is a telephone (Fig. 1, 15), a wireless telephone (Fig. 1, 17), a pager and a voice mail server (col. 6, lines 15-23).

Claim 33 is rejected for the same reasons as discussed above with respect to claim 32. Furthermore, Brennan teaches part of the subscriber's profile is the subscriber's schedule, and the subscriber may wish to change ("update") when they move from device to device which describes in a schedule (col. 6, line 47 through col. 7, line 25) reads on claimed "updating the profile to indicate that calls to the subscriber are to be directed to the terminal".

5. Claims 57 and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Sheinbein (U.S. Patent 4,277,649).

Regarding claim 57, Sheinbein discloses a method and apparatus for screening incoming telephone calls by using switching office 100 which comprises a central processor 108, and an announcement system 121 which contains memory for storing digital representation of voice. The system based on the identity of the calling line ("identification of a subscriber"), retrieving

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from the memory location the special treatment indication assigned to the calling line identity, and provide customized treatment to the subscriber based on the profile (col. 2, lines 1-18).

Claim 58 is rejected for the same reasons as discussed above with respect to claim 57. Furthermore, Sheinbein teaches using the calling line identity, the memory is read to ascertain ("verifying") if the calling line is to be given the special treatment, then disposes of the call according to the special treatment indication found in the memory location assigned to the calling line identity (col. 2, lines 7-14).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-11, 17-26, 35, 49-53, 54-56, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/41406.

Regarding claims 2 and 59, Willehadson teaches the subscriber agent (Agent-B) for identifying the subscriber to the network and being configurable to point to the terminal agent in order to carry communication between the network and the terminal agent (Fig. 4, and page 9, lines 19-34); the terminal agent (Agent-A) for managing communications such that a subscriber using the terminal (Telephone 425, Fax 430, Terminal 435) can conduct a communication over the network (N1-N5). Furthermore, Willehadson teaches computer software/agent designed to perform action automatically for the users. Willehadson does not suggest a subscriber line interface for connection to a respective terminal, a network interface for connection to a network;

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a processing unit interconnecting the subscriber line interface and the network, the processing unit being operable to execute a subscriber agent associated with a subscriber and a terminal agent respective to each terminal, and the subscriber agent is identifiable by the subscriber's telephone number. It would have been obvious to one of ordinary skill in the art that there would be at least a subscriber line for connection between agent-A and telephone 425, or fax 430, or terminal 435; and the network interface for connection between terminals in 415 and networks N1-N5 in order to have a complete communication network and agent-A can communicate with one of the terminals via the subscriber line.

Regarding claims 3-9, 18-24, Willehadson teaches the terminal is a telephone 425, a telephone having a graphical display (page 10, lines 6-8), a wireless telephone/mobile 455, a pager 460. However, Willehadson does not suggest a personal digital assistant, a voicemail server, a personal computer, and a point-of-purchase terminal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the mentioned above terminals in Willehadson's system in order to have a wide variety of terminals.

Regarding claims 10, 11, 25, and 26, Willehadson teaches the network is the PSTN ("network N1"), the Internet/packet switched data network N3.

Claim 17 is rejected for the same reasons as discussed above with respect to claims 1 and 2. Furthermore, Willehadson teaches a software structure executable ("software agent").

Regarding claim 35, Willehadson teaches receiving a request to establish a call from a terminal ("user A sends a request to his agent indicates that he wants to communicate with user B"); connecting the call if user B chooses to accept the call on one of the matching terminals. Willehadson does not suggest obtaining a profile of a subscriber. It would have obvious that

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when Agent-B performs call screening on the outgoing call from agent-A in order for matching terminals would require obtaining a profile of user A.

Regarding claims 49 and 53, Willehadson teaches the subscriber is an individual ("user A or user B").

Regarding claims 50-52, and 54-56, Willehadson does not teach the subscriber represents a group of persons wherein the group is a corporation, a technical assistance center, a collection of network operators, or a '911' call center. It would have been obvious to one of ordinary skill in the art an agent can extend to a group of agents or a technical assistance center/call center.

8. Claims 12-16, 27-31, and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/41406 in view of Sheinbein (U.S. Patent 4,277,649).

Regarding claims 12-16, 27-31, and 46-48, Willehadson does not teach the subscriber agent includes the subscriber's name, a set of calling features are accessible by the subscriber include at least one of caller-id, call waiting, speed calling, call privacy, visual call waiting, and call forwarding.

Sheinbein discloses a method and apparatus for screening incoming telephone calls by using switching office 100 that comprises a central processor 108. The system provides customized treatment based on the identity of the calling line ("caller ID which includes subscriber's name").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of providing customized treatment based on the caller ID, as taught by Sheinbein, in Willehadson's system in order to have a better system.

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9. Claims 34 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan (U.S. Patent 5,329,578).

Regarding claim 34, Brennan does not teach providing calling features for the subscriber at the terminal in accordance with calling features listed in the profile. It would have been obvious to one of ordinary skill in the art at the time the invention was made incorporate the above features in Brennan's system in order to have the subscriber's features more portable.

Claim 60 is rejected for the same reasons as discussed above with respect to claim 59.

10. Claims 37, 38, 40, 43, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan (U.S. Patent 5,329,578) in view of WO 00/41406.

Regarding claims 37 and 38, Brennan does not teach selecting a terminal agent that manages communications with the terminal and pointing the subscriber agent to the terminal agent and establishing the connection according to the pointer.

Willehadson teaches selecting terminal ("matching terminals") and pointing ("connecting") the users and their agents (page 10, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of teaches selecting terminal ("matching terminals") and pointing ("connecting") the users and their agents, as taught by Willehadson in Brennan's system in order to have a better connection between users and their agents.

Claims 40, 43, and 45 are rejected for the same reasons as discussed above with respect to claims 19, 22, and 24.



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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451.


The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen  
May 15, 2003

  
**AHMAD F. MATAR**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700